



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275601

Date: February 13, 2003

Comments Due: March 6, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge 23,520.3 cubic yards of clean fill material into 4.029 acres of wetlands for the construction of a residential and commercial development known as West Mountain, as shown in the attached drawings.

APPLICANT: Walter A. Koelbel, Jr., Rendezvous Colorado, LLC, 77795 U.S. Highway 40, Winter Park, Colorado 80482-0149.

LOCATION: The proposed project is located between the Towns of Fraser and Winter Park southwest of U.S. Highway 40 in the Fraser Valley. The proposed project is located in Sections 20, 28, 29, 30, 31, and 32 of Township 1 South and Range 75 West.

PURPOSE: The purpose of the project is to create an economically viable year-round permanent, residential, resort community with attached and detached residential units, lodging, commercial space and an 18 hole golf course.

PROJECT DESCRIPTION: The applicant is proposing 2,543 residential units including 686 detached and 1,857 attached on the 1,831 acres. The applicant is also proposing 1,278 lodging units, 395,800 square feet of commercial space, and an 18 hole golf course. An access road traverses the Maryvale meadow, connecting to the proposed Fraser Valley Parkway.

The proposed project will require approximately 892.2 acre feet of water annually. The 85 acre golf course is estimated to consume an additional 100.22 acre feet of water annually, for irrigation.

The permanent wetland impacts include filling 0.082 acres of wetlands for the golf course, 0.014 acres for detention and irrigation ponds, and 3.92 acres for Rendezvous Road, Fraser Valley Parkway and other roads. The applicant is also proposing to temporarily impact 1.3 acres of wetlands for utility and road construction.

ALTERNATIVES: The applicant provided other alternatives which the applicant states are less practicable than the preferred alternative. The alternatives include the No-Build Alternative, Rendezvous Road/Meadow Crossing Alternative, Fraser Valley Parkway Alignment Alternative, Rendezvous Road/Kings Crossing Connection Alternative, and Road A Leland Creek Crossing Alternatives. Each of the provided alternatives are illustrated in the attached drawings. The applicant provided the following conclusion for each of the above listed alternatives.

No-Build Alternative: The No-Build Alternative assumes that the proposed West Mountain project is not built and that the landscape remains under current land uses for the short term. A Preliminary Development District Plan (PDDP) was approved in 1998 for 503 acres of the West Mountain project site. The area in the PDDP included all the landscape northeast of the railroad plus acreage southwest of the railroad and west of Leland Creek. The PDDP zoning allows for 1,917 residential units, 1,120 lodging units and 360,000 square feet of commercial space. Thus, it is highly likely that all or a portion of the project site would eventually be developed under this zoning or a modification of this zoning. Although there would be no wetland impacts, any future development approved by the PDDP would create wetland impacts, because Leland Creek, Elk Creek and the meadow wetlands must be crossed to provide access in accordance with requirements of the Town of Fraser. The portion of the project site along U.S. Highway 40 is prime commercial property and would likely be developed to meet growing demands and result in wetland impacts. Under this scenario, none of the benefits of the preferred plan would occur. Specifically, the property tax base would not be increased; the local economy would not be enhanced, diversified, or augmented during the off season; jobs would not be created; affordable housing would not be developed; the county recreation center would not be built in this area and no public trail system would be built. In conclusion, the No-Build Alternative was rejected because it did not meet the Project Purpose and did not have any of the public interest features of the Preferred Plan.

Rendezvous Road/Meadow Crossing Alternative: The main access road, Rendezvous Road, was located at a Colorado Department of Transportation (CDOT) designated access point to U.S. Highway 40. It was also located to connect with the access to Maryvale East development to facilitate the movement of automobiles between the two developments, to facilitate use of the golf course, recreation center, open space and commercial areas. Also, Rendezvous Road provides easy access to the commercial developments in Planning Area 1WA. If Rendezvous Road did not exist at this location Planning Area 1WA would have limited access, i.e. right in and right out. The limited access to Planning Area 1WA would result in a reduced potential to attract retail users. Impacts to the meadow wetlands along Rendezvous Road were minimized by incorporating upland islands into the alignment. Numerous other impacts across the meadow wetland were evaluated to determine if they met the transportation needs of the project and reduced wetland impact. The alternative as provided is located approximately 2,100 feet west of the preferred alignment. It crosses the meadow wetland at one of the narrowest locations, crosses golf course Hole 14 and then intersects the Fraser Valley Parkway. This alternative impacts only 0.65 acres, whereas the preferred alignment impacts 1.89 acres. This alternative was rejected by the applicant because the 0.65-acre fen is of higher wetland value than the preferred 1.89 acres of meadow wetlands.

Fraser Valley Parkway Alignment Alternative: The Fraser Valley Parkway (FVP) has been a part of the regional transportation plan since 1985. The applicant states he is required to incorporate this road into the West Mountain project by the Town of Fraser. The FVP will extend from Kings Crossing on the east to County Road 72 on the west. Grand County and the Town of Fraser are presently working through a complete road alignment design for FVP. The applicant states that they analyzed several alternatives at the north end of the project and the crossing of Leland Creek. The applicant states that although the alternative alignment across Leland Creek impacted 0.06 acres of wetland, compared to the preferred alignments 0.4 acres, the alternative was rejected due to the reduced size of Planning Area 1WA and the loss of commercial space, lodging units and attached residential units.

Rendezvous Road/Kings Crossing Connection Alternative: Kings Crossing extends west to connect with Rendezvous Road as mandated by the Town of Fraser. The applicant states that the crossing occurs at a historic access with an existing culvert over Leland Creek and produces a wetland impact of 0.20 acres. The applicant analyzed the alternative of moving the crossing north into the railroad right of way producing a wetland impact of only 0.15 acres. The applicant also analyzed paralleling Leland Creek and crossing further to the south at a narrow section of Leland Creek. This alternative produced a wetland impact of only 0.05 acres. Both alternatives have a less wetland impact than the preferred plan, however,

the applicant states that neither alternative was practicable because of the increase in grading cost and the need to acquire Union Pacific Railroad permission for the northern alternative.

Road A Leland Creek Crossing Alternative: Leland Creek has a tributary which extends southwest between Planning Areas 19W and 20W. This tributary is crossed in two places by Road A to produce a wetland impact of 0.29 acres. The applicant analyzed an alternative of moving Road A further west to avoid most of the Leland Creek tributary wetlands. This alternative has a wetland impact of 0.1 acres, but was considered not practicable by the applicant due to the negative design and economic impacts to golf and residences, the economics of the project, and the failure to comply with safety design standards from being too close to the intersection with Road D.

AREA DESCRIPTION: The proposed project is located in the Fraser Valley, extending 7,000 feet along the west side of U.S. Highway 40 and includes 1,387 acres of landscape to the southwest. The property elevation ranges 870 feet from a low of 8,590 feet in the southeast to a high of 9,460 feet in the southwest. The property is bisected by the Union Pacific Railroad and contains one inholding of 4.8 acres on the north end of the project site. The landscape just west of U.S. Highway 40 is relatively flat, existing of predominantly wet meadow. Beyond the meadow, the terrain begins to slope slightly toward the railroad and contains a forested terrace. Southwest of the railroad, the terrain slopes moderately up. This area contains several creeks and associated tributary and wetland systems, including Leland Creek and Elk Creek.

The forested hillside is dominated by lodgepole pine (*Pinus contorta*), aspen (*Populus tremuloides*), and Engelmann spruce-subalpine fir (*Picea engelmannii* *Abies lasiocarpa*) forest. Understory species in the lodgepole pine forests include buffaloberry (*Shepherdia canadensis*), common juniper (*Juniperus communis* ssp. *alpina*), and kinnickinnick (*Arctostaphylos uva-ursi*). Herbaceous plants include elk sedge (*Carex geyeri*) and pinedrops (*Pterospora andromedea*). Understory species in the aspen stands include blue wildrye (*Elymus glaucus*), fringed brome (*Bromopsis canadensis*), bluejoint reedgrass (*Calamagrostis canadensis*), fireweed (*Epilobium angustifolium*) Richardson's geranium (*Geranium richardsonii*), and strawberry (*Fragaria virginiana*). The Engelmann spruce-subalpine fir understory includes whortleberry (*Vaccinium myrtillus* ssp. *oreophilum*), dwarf blueberry (*Vaccinium cespitosum*), round leaf wintergreen (*Pyrola rotundifolia*), twin flower (*Linnaea vulgaris*), and heartleaf arnica (*Arnica cordifolia*).

The proposed project site is characterized by 149.6 acres of herbaceous and woody wetlands. Of the 149.6 acres, the Corps of Engineers has jurisdiction over 141.2 acres. The remaining 8.4 acres are isolated from waters of the United States. The wetland communities include both herbaceous and woody wetland meadows, riparian, riparian with associated herbaceous or woody wetlands, forested wetlands, streams, fens and seeps. There were 189 wetland species, including four trees, 20 shrubs and sub-shrubs, 53 perennial graminoids, 101 perennial forbs, and 11 annual/biannual forbs.

ADDITIONAL INFORMATION: The applicant is proposing to mitigate wetland impacts on site, in the meadow adjacent to U.S. Highway 40. The applicant is proposing to combine mitigation required by the applicant's previous Department of the Army Permit Number 200075318 for the Maryvale East Development, and the mitigation for this proposed project. The applicant is proposing to create 4.392 acres of wetland meadow for the West Mountain Project in addition to the 4.7 acres wetland and 0.603 acres of aquatic habitat as required for Maryvale East. The total mitigation as proposed is 9.695 acres to replace the 4.016 acres of jurisdictional and 0.363 non-jurisdictional wetlands, and 0.013 acres of jurisdictional drainage for West Mountain and 3.293 acres for Maryvale East.

The applicant has requested water quality certification from the Colorado Department of Public Health

and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **March 6, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The State Historic Preservation Office (SHPO) was contacted. The SHPO states in their August 8, 2002 letter, that their search of the Colorado Inventory of Cultural Resources indicated that there are no identified sites located in the proposed project area and no surveys have been undertaken. SHPO further states that their files contain incomplete information for this area as most of Colorado has not yet been inventoried for cultural resources. They state that there is a possibility that as yet unidentified cultural resources exist within the proposed project area. SHPO is recommending a professional survey to identify cultural resources which are eligible to be listed on the National Register of Historic Places.

The applicant provided a biological assessment for the West Mountain project. The assessment was completed by Richard W. Thompson of Western Ecosystems, Inc. in Boulder, Colorado. The biological assessment states that secondary effects of the proposed action would result in new water depletions amounting to 19.63 acre feet per year to tributaries of the upper Colorado River. The proposed depletion may affect the endangered fish species in the Colorado River and we have initiated consultation with the U.S. Fish and Wildlife Service. Boreal toad surveys were completed May 4, June 1, and July 30, 2000 and July 3, 2001. No surveys have found toads or tadpoles. However, the assessment states that the project may impact individuals, but is not likely to cause a trend to federal listing or loss of viability. The District Engineer has made these determinations based on information provided by the applicant and on the Corps preliminary investigation.

Interested parties are invited to submit written comments on or before **March 6, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Anthony Curtis, Kremmling Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, P.O. Box 369, Kremmling, Colorado 80459. For further information, please contact Mr. Anthony Curtis, at telephone number (970) 724-9036, or email anthony.c.curtis@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawing(s)